

REMARKS

Claims 5 and 9 are pending. Reconsideration is requested.

The Examiner rejects claims 5 and 9 under 35 U.S.C. §103(a) as being unpatentable over Pollock (WO 97/01253) in view of Nishizawa et al (U.S.P. 6,669,487).

The rejection is traversed. As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art."

Claim 5 recites a method for preventing unauthorized use of an IC card, performed in an IC card management center that manages IC card information including "receiving a notice of a customer ID of an IC card from a person wherein the IC card for settlement is mounted to a mobile device of the person and the mobile device, which becomes available in a state of mounting an SIM card, is lost or stolen from the person; giving an identification for stopping use of the IC card to an application management number of a database, which stores the application management number that is set for each mobile device by the IC card management center so as to be a number corresponding to the customer ID; and informing a subscriber ID to a mobile communication entrepreneur in order to warn and change a setting for the mobile device when the IC card for settlement is used by using the mobile device for which the identification is set to the application management number." Claim 9 has a similar recitation for a program.

The Action concedes that:

Pollock does not mention the mobile device which becomes available in a state of mounting an SIM card is lost or stolen from the person.

(Action at page 3).

Applicant submits that the method or program receiving a notice of a customer ID of an IC card from a person wherein:

1) "the IC (first) card for settlement is mounted to a mobile device of the person,"
and

2) "the mobile device, which becomes available in a state of mounting an SIM
(second) card,"

is not taught by Pollack. (Emphasis added).

Examiner Errs In His Interpretations Of Pollack

The Examiner erroneously contends Pollock discloses:

a method for preventing unauthorized of an IC card, performed in an IC card management center that manages IC card information, comprising receiving a notice of a customer ID of an IC card from a person from whom an IC card

for settlement mounted to the mobile device is lost or stolen . . . and a step informing an subscriber ID . . . when the IC card for settlement is used by using the mobile device.

(Emphasis added).

Applicant submits that the Examiner's interpretations of Pollack are not correct since Pollack does not disclose an "IC card." Rather, Pollack discusses only a Subscriber Identity Module (SIM) card:

To allow automatic use of the replacement SIM card 16 for replacement of the previous SIM card 16p

(See, page 10, lines 12-14).

That is, Pollack does not even discuss these above features recited by claims 5 and 6, contrary to the Examiner's contentions, and the rejection should be withdrawn and claims 5 and 9 allowed.

Nishizawa Can Not Be Properly Relied On As A Reference

Applicant respectfully submits that Nishizawa can not be properly relied on by the Examiner in support of the rejection. The current application has a 371(c) PCT parent filing date of October 26, 2001 and a priority filing date of March 1, 2001.

Nishizawa (having an international filing date of April 28, 2000) has a PCT Publication date of November 8, 2001 and a 35 U.S.C. 371(c)(1), (2) and (4) date of October 22, 2002. As set forth in MPEP 2136.03(C):

If the potential reference (Nishizawa) resulted from, or claimed the benefit of, an international application, the following must be determined: . . . If the international application has an international filing date prior to November 29, 2000 . . . (1) For U.S. patents, apply the reference under 35 U.S.C. 102(e) as of the earlier of the date of completion of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) or the filing date of the later-filed U.S. application that claimed the benefit of the international application; . . . the corresponding WIPO publication of an international application may have an earlier 35 U.S.C. 102(a) or (b) date.

That is, even using the earlier PCT Publication date of Nishizawa, the effective date of Nishizawa as a reference, to be relied on in support of a §102 and §103 rejection of the current application, is November 8, 2001. This date is after both the PCT parent filing date of October 26, 2001 and the priority filing date of March 1, 2001 of the current application.

Accordingly, Nishizawa can not be properly relied on as a reference in support of the rejection, and the rejection should be withdrawn and claims 5 and 9 allowed.

Summary

Since features recited by recited by claims 5 and 9 are not taught by the art properly relied on, the rejection should be withdrawn and claims 5 and 9 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.


Respectfully submitted,

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